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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.3 and Corr.1)*]

60/172. Situation of human rights in Turkmenistan

The General Assembly,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Recalling its resolutions 58/194 of 22 December 2003 and 59/206 of 20 December 2004, and Commission on Human Rights resolutions 2003/11 of 16 April 2003[1] and 2004/12 of 15 April 2004,[2]

Noting the conclusion of the first needs-assessment mission of the Office of the United Nations High Commissioner for Human Rights to Turkmenistan in March 2004 and the ongoing consultations to finalize a possible technical cooperation project,

Noting with appreciation that the Government of Turkmenistan has received the Chairman-in-Office and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe,

Welcoming the report of the Secretary-General of 20 September 2005,[3] which concludes that, while the Government of Turkmenistan has made some progress in addressing human rights issues and has shown readiness to cooperate with the international community, there was a lack of overall improvement in addressing serious human rights violations,

Reaffirming that improving security and the fight against terrorism should be conducted in accordance with international law, in particular international human rights, humanitarian and refugee law, and democratic principles,

1. *Welcomes*:

(*a*) The fact that additional minority religious groups have been allowed to worship for the first time as a result of the removal of a legal impediment to the full realization of the right to freedom of thought, conscience, religion or belief, but notes that serious violations of these freedoms continue;

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] A/60/367.

(*b*) The release in April 2005 of four Jehovah's Witnesses who had made conscientious objections to undertaking military service;

(*c*) The lifting of criminal penalties for the activities of non-registered non-governmental organizations in November 2004, while nevertheless noting that difficulties in the registration process for non-governmental organizations and private organizations continue and that other significant restrictions continue to hinder their activities;

(*d*) The submission, within the past year, of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination[4] to the Committee on the Elimination of Racial Discrimination, as well as the reports due under the Convention on the Rights of the Child[5] and the Convention on the Elimination of All Forms of Discrimination against Women,[6] while encouraging the Government of Turkmenistan to comply with its outstanding reporting obligations to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture;

(*e*) The demonstrated readiness of the Government of Turkmenistan to discuss human rights matters with interested third parties on an ad hoc basis and to agree on the desirability of continuing dialogue and practical cooperation;

(*f*) The statements made by the President of Turkmenistan in April 2005 on democratic reforms, and urges that those reforms be truly democratic, in line with established international norms;

(*g*) The accession by Turkmenistan to the following United Nations protocols and conventions, and urges the Government of Turkmenistan to implement its obligations under these instruments:

(i) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[7]

(ii) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;[8]

(iii) The United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air;[9]

(*h*) The public statements of the President of Turkmenistan recommending the abolition of the practice of removing children from school for the cotton harvest and reprimanding a local governor for the use of child labour in the fields, as well as a law passed on 1 February 2005 prohibiting the employment of minors under the age of 15 and stipulating that no form of child labour should interfere with a child's education, and calls upon the Government of Turkmenistan to ensure that the law is fully implemented;

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[4] Resolution 2106 A (XX), annex.

[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[6] Ibid., vol. 1249, No. 20378.

[7] Ibid., vol. 2173, No. 27531.

[8] Ibid., vol. 2171, No. 27531.

[9] Resolution 55/25, annexes I–III.

(*i*) The decision of the Government of Turkmenistan to grant citizenship or permanent resident status to more than sixteen thousand refugees, including a significant number of Tajik refugees, who had fled Tajikistan between 1992 and 1999 and whose naturalization under the Turkmen Nationality Law had been advocated for many years by the United Nations High Commissioner for Refugees;

(*j*) The abolition of exit visas as a requirement for leaving the country;

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Turkmenistan, in particular:

(*a*) The persistence of a governmental policy based on the repression of all political opposition activities;

(*b*) The continuing abuse of the legal system through arbitrary detentions, imprisonment and surveillance of persons who try to exercise their freedom of expression, assembly and association, and harassment of their families;

(*c*) The poor conditions in prisons in Turkmenistan and credible reports of ongoing torture and mistreatment of detainees;

(*d*) The failure of the Government of Turkmenistan to grant access to detainees to the International Committee of the Red Cross, according to the usual terms of the Committee, as well as to international monitors;

(*e*) The complete control of the media by the Government of Turkmenistan, its censorship of all newspapers and access to the Internet and intolerance of independent criticism of government policy, as well as further restrictions on the freedom of expression and opinion, including shutting down of the last remaining Russian-language radio station, Radio Mayak, even if satellite television is permitted and widely used, harassing of local correspondents and collaborators of Radio Liberty and prohibition of all contact between local journalists and foreigners without the express consent of the Government;

(*f*) Continuing restrictions on the exercise of the freedom of thought, conscience, religion or belief, including the use of registration procedures as a means to limit the right to freedom of thought, conscience and religion of members of certain religious communities;

(*g*) Continuing discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities, inter alia, in the fields of education and employment and access to media, despite assurances by the Government that it will stop this discrimination, taking note in this regard of the concluding observations of the Committee on the Elimination of Racial Discrimination of August 2005;[10]

(*h*) Forced displacement of its citizens, including a disproportionate displacement of ethnic minorities;

(*i*) Continuing restrictions on the exercise of the right of peaceful assembly, including increased constraints faced by civil society organizations, such as the slow progress in the registration of non-governmental organizations under the procedures set out in the law of 2003 on public associations;

(*j*) The continuing failure of the Government of Turkmenistan to respond to the criticisms identified in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe with regard to the investigation, trial and detention procedures following the reported assassination

[10] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), chap. III.

attempt against the President of Turkmenistan in November 2002, as well as the failure of the Turkmen authorities to allow appropriate independent bodies, family members and lawyers access to those convicted, or to provide any kind of evidence to dispel rumours that some of those convicted have died in detention;

(*k*) Arbitrary or unlawful interference with individuals' privacy, family, home or correspondence and violations of the freedom to leave one's country;

(*l*) Reported instances of hate speech against national and ethnic minorities, including statements attributed to high-ranking government officials and public figures supporting an approach to Turkmen ethnic purity, as noted in the concluding observations of the Committee on the Elimination of Racial Discrimination of August 2005;

3. *Urges* the Government of Turkmenistan:

(*a*) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in General Assembly resolutions 58/194 and 59/206 and Commission on Human Rights resolutions 2003/11 and 2004/12;

(*b*) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights, in particular to consider favourably requests made by a number of special rapporteurs of the Commission to visit the country, as recalled in the report of the Secretary-General,[3] and with all the relevant United Nations treaty bodies;

(*c*) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to work constructively with the various institutions of the Organization, and to facilitate further visits of the Organization's Chairman-in-Office as well as his Personal Envoy for participating States in Central Asia, and of the Organization's High Commissioner on National Minorities;

(*d*) To follow through on the presentation of the Government of Turkmenistan to the Commission on Human Rights in April 2004 and the meetings of the Government of Turkmenistan with the International Committee of the Red Cross in 2005 by finalizing an agreement allowing the Committee to visit Turkmen prisons with full and repeated access to all places of detention in accordance with the usual modalities for that organization, and by providing international monitors, lawyers and relatives with full and repeated access to all those in detention, including those convicted of involvement in the coup attempt of 25 November 2002;

(*e*) To respect the right of everyone to freedom of thought, conscience, religion or belief, whether a member of a religious group or not, and to cease the harassment, detention and persecution of members of religious minorities, whether registered or unregistered;

(*f*) To bring laws and practices governing registration of public associations, including non-governmental organizations, into line with the standards of the Organization for Security and Cooperation in Europe and to enable non-governmental organizations, particularly human rights organizations, and other civil society actors, including independent media, to carry out their activities without hindrance;

(*g*) To submit reports to the United Nations treaty bodies to which it has assumed a reporting obligation and to give due regard to the recommendations and concluding observations of those treaty bodies, the most recent being the recommendations and concluding observations of the Committee on the Elimination of Racial Discrimination;

(*h*) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

4. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-first session on the implementation of the present resolution.

64th plenary meeting
16 December 2005